



To: cr_board_clerk Clerk Recorder/ClerkRec/COSLO@Wings,
Cc:
Bcc:
Subject: Fw: Comment Letter for October 27, 2015 Water-Related Code Amendments
From: Lynn Compton/BOS/COSLO - Thursday 10/22/2015 08:20 PM
Sent by: Jocelyn Brennan/BOS/COSLO

----- Forwarded by Jocelyn Brennan/BOS/COSLO on 10/22/2015 08:19 PM -----

From: "Claire Wineman" <claire.wineman@grower-shipper.com>
To: <fmecham@co.slo.ca.us>, <bgibson@co.slo.ca.us>, <ahill@co.slo.ca.us>, <lcompton@co.slo.ca.us>, <darnold@co.slo.ca.us>
Cc: <ccristensen@co.slo.ca.us>
Date: 10/22/2015 02:56 PM
Subject: Comment Letter for October 27, 2015 Water-Related Code Amendments

Dear Board of Supervisors,

Please see attached for our comment letter regarding the San Luis Obispo County Water-Related Code Amendments. We understand this item will be heard this Tuesday, October 27, 2015. We would appreciate confirmation of receipt of this letter. Please let me know if you have any questions or trouble opening the file.

Thank you for your attention to this important matter.

Sincerely,
Claire

Claire Wineman

President
Grower-Shipper Association of
Santa Barbara and San Luis Obispo Counties
Physical Address:
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Grower-Shipper BOS Letter on Water Amendments 10.22.15.pdf



October 22, 2015

County Board of Supervisors

93408

Re: San Luis Obispo County Water-Related Code Amendments

Dear Chair Arnold and Supervisors:

The Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties represents over 160 growers, shippers, farm labor contractors, and supporting agribusinesses. **Our members grow diverse field and nursery crops such as broccoli, strawberries, vegetable transplants, flowers, tree fruit, and wine grapes. The policies being contemplated could have a permanent impact on local farmers' ability to grow safe, local produce for our communities.** We have members operating within the Nipomo Mesa Water Conservation Area and throughout the southern portion of the County. **Water is the Association's top priority.** We appreciate the Planning Commission's efforts and incorporation of many of our oral and written comments. **We ask that you resolve the following concerns before adopting any recommendations for approval.**

Conservation and Open Space Element

- The permanent, proposed additions to policies **WR 1.7, 1.7.1, and WR 1.14** (Attachment 3, page 1) are better handled in other revisions and could result in unintended consequences. They are **duplicative** of and potentially conflict with current basin adjudications and/or implementation of the Sustainable Groundwater Management Act. We ask that you carefully consider the long-term ramifications of permanently and formally memorializing an offset approach in this context. We ask that the proposed additions to WR 1.7, 1.7.1, and 1.14 **be removed.**

Title 19, Building and Construction Ordinance

- We are concerned with how these revisions will impact existing structures. As currently written, Attachment 5, page 1, Section 19.07.042 (b) seems to suggest that *all* fixtures in *all* existing buildings in *all* areas of the County would need to conform with current CEC and DWR requirements upon adoption of the ordinance. This would be a **significant departure from the current policy**, in which upgrades are triggered by the replacement of fixtures or a specified building alteration (i.e. bathroom addition or floor area increase of 20% or more). **We ask that the proposed additional requirements for Existing Structures be rejected** (Attachment 5, page 1, Section 19.07.042 (b)).
- We request the **addition of a termination provision for the Nipomo Mesa Water Conservation Area.**

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Title 19, Building and Construction Ordinance, CONTINUED

- We adamantly oppose requiring “Water Meter Installation and Reading” (Attachment 5, page 6). This goal would be achieved more **broadly and consistently** through the implementation of the Sustainable Groundwater Management Act and/or Santa Maria Groundwater Basin Adjudication.

In fact, **water meters are NOT required by the Santa Maria Groundwater Basin Adjudication OR the Sustainable Groundwater Management Act.** The Courts have consistently accepted methods for *estimating* water use for the purposes of basin adjudication, rather than requiring metering. Furthermore, the Sustainable Groundwater Management Act explicitly allows discretion on monitoring groundwater extractions: “The measurements of the extractions shall be made by a methodology, water-measuring device, or combination thereof...” It further goes on to state that “**a groundwater sustainability agency may use any other reasonable method** to determine groundwater extraction” (emphasis added). Additionally, AB 2572 is also commonly misquoted: water meters are *only* required for **urban water suppliers**. This addition to the Water Code applies **only to potable water and notably exempts** “a community water system which serves less than 15 service connections used by yearlong residents or regularly serves less than 25 yearlong residents, or a single well which services the water supply of a single-family residential home.” The use of methodology for water estimation is even employed by the Paso Robles Basin Agricultural Offset Clearance itself in Table 3.

We are confused about this provision’s **applicability** to “all new or existing wells that serve new development,” particularly for our member nurseries on the Nipomo Mesa (Attachment 5, page 6, Roman numeral i). We are still unclear on what would be investigated as a **violation** (Roman numeral iii) and on what grounds.

We ask that the “Water Meter Installation and Reading” section be deleted entirely.

Title 22, Land Use Ordinance

We have remaining concerns with the precedent being set by certain provisions of Title 22 if they were to apply to additional areas of the County in the future.

- We appreciate Exemption B3 (Attachment 6, page 5) but believe the following wording better achieves the exemption’s intent to allow for agricultural adaptability and soil-borne pathogen management: “Expanded irrigated crop production on sites ~~with crop type that involve implementation of new water efficiency technologies~~, where satisfactory evidence... is shown that crops have been planted within the last five years, and shall not exceed the average water use of the existing crop production, as identified in Tables 2 and 3.”
- At what point does the cumulative impact of the proposed ***de minimis* exemption** (Attachment 6, page 6, number B5) have a major impact? This may become particularly troublesome for small-acreage parcels located in close proximity to each other with wells pumping from the same water-bearing formation at similar depths.

Title 22, Land Use Ordinance, CONTINUED

- As previously detailed in comments regarding Title 19, we oppose requiring well metering (page 7). This topic would be more consistently addressed through the implementation of the Sustainable Groundwater Management Act. We are unclear on what would be investigated as a violation (Roman numeral ii) and on what grounds. **We ask that the well meter requirement be deleted as a permit requirement and removed from Table 1 (page 7-8).**

Costs and County Fee Schedule

All costs of agricultural production and regulatory compliance continue to compound and have a significant cumulative impact. We are concerned with the fees outlined, especially as the fees and/or frequency of inspections increase. We would further like to note and object to the cost of purchasing and maintaining well meters, which are significant, particularly for larger-diameter flow meters that would be required for agricultural irrigation systems.

We ask that these concerns be fully addressed because of their permanent social, environmental, and economic impacts on the County.

Sincerely,



Claire Wineman
President



Fw: BoS hearing October 27, 2015, Item 14
Lynn Compton to: cr_board_clerk Clerk Recorder
Sent by: **Jocelyn Brennan**

10/22/2015 09:22 PM

----- Forwarded by Jocelyn Brennan/BOS/COSLO on 10/22/2015 09:22 PM -----

From: "Sue Luft" <luftsue@gmail.com>
To: "Debbie Arnold - Supervisor" <darnold@co.slo.ca.us>, "Frank Mecham - Supervisor" <fmecham@co.slo.ca.us>, "Bruce Gibson - Supervisor" <bgibson@co.slo.ca.us>, "Adam Hill - Supervisor" <ahill@co.slo.ca.us>, "Lynn Compton - Supervisor" <lcompton@co.slo.ca.us>
Cc: "Trevor Keith" <tkeith@co.slo.ca.us>, "Cytasha Campa" <ccampa@co.slo.ca.us>
Date: 10/22/2015 04:06 PM
Subject: BoS hearing October 27, 2015, Item 14

Chair Debbie Arnold
Supervisor Frank Mecham
Supervisor Bruce Gibson
Supervisor Adam Hill
Supervisor Lynn Compton

Please find attached comments from PRO Water Equity regarding the water neutral new development – agricultural offset program (Title 22).

Sue Luft
President



PRO Water EquityPWE Comments to BoS 10-22-15.pdf

PRO Water Equity, Inc.

www.prowaterequity.org

Paso Robles Groundwater Basin Overliers for Water Equity

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October 22, 2015

Chair Debbie Arnold
Supervisor Frank Mecham
Supervisor Bruce Gibson
Supervisor Adam Hill
Supervisor Lynn Compton

Re: BoS hearing October 27, 2015, Agenda Item 14
Water Neutral New Development - Agricultural Offset Program (Title 22)

Your Planning Commissioners and Planning staff spent a tremendous amount of time and effort in developing the ordinance language which will be before your Board on October 27th. We are grateful for their efforts and recognize that the ordinance language is not perfect, but is a good compromise.

The situation in the Paso Basin has only gotten worse since the Urgency Ordinance was adopted in August, 2013. Well levels in many areas of the basin continue to decline, as they have for the past couple of decades. New wells are being drilled and people are trucking water. Balance can be restored to the basin by implementing some reasonable solutions. However, with further growth (even the 1% growth analyzed in the recent computer model update), the basin may not be sustainable.

We ask that your Board adopt the proposed amendments to Title 22 regarding the agricultural offset program. This program is an interim measure to stop further declines in the basin until the Groundwater Sustainability Plan is adopted by the Groundwater Sustainability Agency for the Paso Robles Groundwater Basin.

Please contact us at info.prowaterequity@gmail.com with any questions.


The Board of PRO Water Equity, Inc.



Sue Luft
President



Laurie Gage
Vice President



Jan Seals
Treasurer



CC Coats
Secretary

cc: Trevor Keith, SLO County Planning Department

Mission Statement: To promote the health, safety, common good and general welfare of the community by advocating for the stabilization and sustainability of the Paso Robles groundwater basin for the benefit of all overlayers.